

IN RE: PETITIONS FOR SPECIAL HEARING	* BEFORE THE
AND VARIANCE - SE/S Pulaski	
Highway, 1640' NE of the c/l	* DEPUTY ZONING COMMISSIONER
of Middle River Road	
(9727 Pulaski Highway)	* OF BALTIMORE COUNTY
15th Election District	
5th Councilmanic District	* Case No. 96-385-SPHA
Ataollah Golpira, et al	*
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 9727 Pulaski Highway, located in the vicinity of Mohrs Lane and the Price Club facility in White Marsh. The Petitions were filed by the owners of the property, Ataollah and Yekta Golpira, and the Contract Purchaser/Lessee, Russell M. Schaeffer. The Petitioners seek approval of a modification to the previously approved site plan in prior Case No. 87-119-SPH and variance relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a reduction in the number of parking spaces from the required 88 to the provided 23 spaces, and from Section 104.3 of the B.C.Z.R. to permit an increase in the total floor area for a nonconforming use of 149% in lieu of the permitted 25% for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petitions were Russell Schaeffer, Contract Purchaser, Joseph Larson, Professional Engineer who prepared the site plan for this project, and Vernon Boozer, Esquire, attorney for the Petitioners. There were no Protestants present.

ORDER RECEIVED FOR FILING
 Date 5/13/96
 By [Signature]

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of 0.91 acres, more or less, zoned M.L.-A.S. and is improved with a two-story combination tavern/restaurant and apartment which has existed on the property for many years. The property was the subject of prior Case No. 87-119-SPH in which the Petitioners were granted a nonconforming use of the existing parking lot and tavern. The property was formerly known as the Blue Gables Restaurant, and most recently, Opitz Crab House. Testimony revealed that Opitz Crab House was unsuccessful financially and ended up in bankruptcy. The Petitioners have entered into a contract to sell the property to Mr. Russell Schaeffer, who wishes to make extensive improvements to the site. Mr. Schaeffer proposes a large L-shaped addition to the first floor to square off the existing building and add a packaged goods store. The second floor will be expanded to encompass the entire building and will include a banquet room, dining room, offices and the existing apartment which Mr. Schaeffer wishes to continue to utilize. The Petitioner submitted as Petitioner's Exhibit 3 a site plan of this property depicting existing and proposed improvements. Furthermore, he submitted floor plans for the first and second floors of the existing building. Further testimony revealed that as a result of the proposed expansion of existing uses on the site, an increased number of parking spaces will be required, and the overall floor area of the nonconforming use will be significantly increased.

There being no adverse comments by any Baltimore County reviewing agency, nor any opposition expressed by any adjoining property owner, it appears that the relief requested should be granted. Photographs of the site show that the property has deteriorated and is in dire need of renovation and clean-up. Obviously, the improvements proposed by Mr. Schaeffer

ORDER RECEIVED FOR FILING

Date

5/13/96

By

MICROFILMED

will be beneficial to this site as well as other businesses located along the Pulaski Highway corridor, and will offer a much needed service to the citizens who reside in the area. Furthermore, I find that there has been no abandonment of the nonconforming use previously established for this site as a restaurant, tavern and apartment.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and

that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1996 that the Petition for Special Hearing seeking approval of a modification to the previously approved site plan in prior Case No. 87-119-SPH to reflect the proposed improvements as set forth on Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a reduction in the number of parking spaces from the required 88 to the 23 spaces provided, and from Section 104.3 of the B.C.Z.R. to permit an increase in the total floor area for a nonconforming use of 149% in lieu of the maximum permitted 25% for proposed additions, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and

ORDER RECEIVED FOR FILING

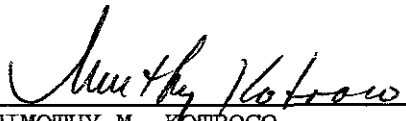
Date

By

approval by the Landscape Architect for Baltimore County.

3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the previously approved nonconforming use in prior Case No. 87-119-SPH is hereby extended and revalidated in that I find that there has been no interruption in the use of the property as a tavern, restaurant and apartment.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/13/96
By [Signature]

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/S Pulaski Highway, 1640' NE of the c/l of Middle River Road
(9727 Pulaski Highway)
15th Election District - 5th Councilmanic District
Ataollah Golpira, et al - Petitioners
Case No. 96-385-SPHA

Dear Mr. Boozer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Ataollah Golpira
6301 Cameo Court, North Bethesda, Md. 20852

Mr. Russell M. Schaeffer
428 Haslett Road, Joppa, Md. 21085

People's Counsel

File

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9727 Pulaski Hwy.

96-385-SPHA

which is presently zoned ML-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1. 409.6 TO ALLOW FOR A REDUCTION IN THE NUMBER OF PARKING SPACES FROM THE REQUIRED 88 SPACES TO THE PROVIDED 23 SPACES
2. 104.3 TO ALLOW FOR AN INCREASE IN THE FLOOR AREA FOR A NON-CONFORMING USE OF 149% IN LIEU OF THE ALLOWED 25%

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

IN ORDER FOR THE CURRENT USE OF THE PROPERTY TO BE VIABLE AND ECONOMICAL A SUBSTANTIAL EXPANSION OF THE FACILITY IS REQUIRED WHICH IN TURN WILL NECESSITATE A VARIANCE TO PARKING AND PERCENTAGE OF EXPANSION AS DESCRIBED ABOVE. SHOULD THE VARIANCES NOT BE GRANTED WOULD CONSTITUTE A VALID HARDSHIP FOR THE PROPERTY OWNER.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

Russell M. Schaeffer

(Type or Print Name)

Signature

428 Haslett Road

Address

Joppa

MD.

21085

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Ataollah Golpira

(Type or Print Name)

Signature

YEKTA

Maryam Golpira

(Type or Print Name)

Signature

6301 Cameo Court

301-493-4575

Address

Phone No

North Bethesda, MD. 20852

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Russell M. Schaeffer

(410) 679-2759

Name

428 Haslett Rd.

Joppa

MD.

21085

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: [Signature]

DATE

4/3/94



#383



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9727 Pilaski Hwby.

96-385-SPHA

which is presently zoned

ML-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A MODIFICATION TO THE EXISTING &
PREVIOUSLY APPROVED SITE PLAN FOR A NON-CONFORMING USE FOR A TAVERN,
APARTMENT AND PARKING LOT IN A ML-AS ZONE OF ZONING CASE 87-119-SPH

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Russell M. Schaeffer

(Type or Print Name)

Signature

428 Haslett Road

Address

Joppa

MD.

21085

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Ataollah Golpira

(Type or Print Name)

Signature

YEKTA

Maryam Golpira

(Type or Print Name)

Signature

6301 Cameo Court

301-493-4575

Address

Phone No.

North Bethesda, MD. 20852

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Russell M. Schaeffer (410) 679-2759

Name

428 Haslett Rd.

Joppa

MD.

21085

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

4/3/96

ORDER RECEIVED FOR FILING

Date

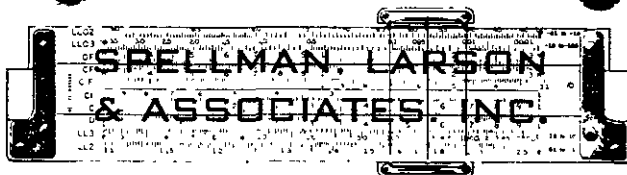
By



MICROFILMED



#383



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

DESCRIPTION FOR ZONING

96-385-SPHA

9727 PULASKI HIGHWAY, 15TH DISTRICT, BALTIMORE COUNTY,
MARYLAND

Beginning for the same at a point on the southeast side of Pulaski Highway (US Route No. 40), 150 feet wide, at the distance of 1,640 feet, more or less, measured northeasterly along the southeast side of Pulaski Highway from the northeast side of Middle River Road and running thence and binding on the southeast side of Pulaski Highway north 49 Degrees east 116.27 feet thence leaving Pulaski Highway and running north 65 Degrees 43 Minutes east 73.01 feet to the dividing line between that land zoned ML-CS-1 and that land zoned BR-CS-1 and running thence and binding on said zoning line south 39 Degrees 33 Minutes east 196.54 feet to the dividing line between that land zoned ML-CS-1 and that land zoned ML-IM and running thence and binding on said Zoning line south 49 Degrees west 181.20 feet thence leaving said zoning line and running north 41 degrees west 217.50 feet to the place of beginning.

Containing 0.91 acres of land, more or less.

03/21/96

MICROFILMED



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-385-SPH-1

District 15th

Posted for:

May 9, 1996 hearing

Date of Posting:

4/21/96

Petitioner:

Madeline / Russell M. Schaeffer

Location of property:

9727 Pulaski Hwy

Location of Sign:

Left roadway on property being zoned

Remarks:

Posted by:

[Signature]
Signature

Date of return:

4/26/96

Number of Signs: 1

UNRECORDED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #96-385-SPHA (Item 383)
9727 Pulaski Highway
SE/S Pulaski Highway, 1.640' NE of Middle River Road
15th Election District
5th Councilmanic
Legal Owner(s):
Atsorian Golpira and Yekta Golpira
Contract Purchaser/Assignee:
Russell M. Schaeffer

Special Hearing: to approve a modification to the existing and previously approved site plan for a non-conforming use for a tavern, apartment, and parking lot. Variance: to allow for a reduction in the number of parking spaces from the required 88 spaces to the provided 23 spaces and to allow for an increase in the floor area for a non-conforming use of 149% in lieu of the allowed 25%.

Hearing: Thursday, May 9, 1996 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 867-3353.
(2) For information concerning the file and/or hearing, Please Call 867-3391.

4/198 April 18

Cd6713

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/18, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/18, 1996.

THE JEFFERSONIAN,

D. H. Jenkins
LEGAL AD. TOWSON

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

96-385-SPHA

DATE 4.3/96

ACCOUNT 2-615

Item 385

By Mark

AMOUNT \$ 570.00

RECEIVED
FROM:

Schaeffer Russel - 9727 Fund 4gony

020- Comm Var mg - \$ 250.00

040- Comm Sp 2nd - \$ 250.00

100- 2 3rd - \$ 70.00

FOR:

\$ 570.00

RECEIVED

4370.00

4370.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 001-006-003

DATE 12-15-02

ACCOUNT R 001-006-003

AMOUNT \$ 50.00

RECEIVED FROM:

FOR:

ITC S HAWAIIAN
9727 KAUAI ST
SPRINT & INTERNET SERVICE

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 12/15/2002
TIME 12:00 PM
BY 001-006-003
RECEIPT # 001-006-003
AMOUNT \$ 50.00
BALANCE \$ 0.00
TOTAL \$ 50.00
PAID TO BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

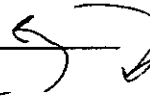
PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 383 Petitioner: 9727 Pulaski Highway 
Location: Russell M. Schacter

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Russell M. Schacter
ADDRESS: 428 Haslett Road
Joppa MD 21085
PHONE NUMBER: (410) 679-2759



TO: PUTUXENT PUBLISHING COMPANY
April 18, 1996 Issue - Jeffersonian

Please forward billing to:

Russell M. Schaeffer
428 Haslett Road
Joppa, MD 21085
679-2759

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-385-SPHA (Item 383)
9727 Pulaski Highway
SE/S Pulaski Highway, 1,640' NE of c/l Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Ataollah Golpira and Yekta Golpira
Contract Purchaser/Lessee: Russell M. Schaeffer

Special Hearing to approve a modification to the existing and previously approved site plan for a non-conforming use for a tavern, apartment, and parking lot.

Variance to allow for a reduction in the number of parking spaces from the required 88 spaces to the provided 23 spaces and to allow for an increase in the floor area for a non-conforming use of 149% in lieu of the allowed 25%.

HEARING: THURSDAY, MAY 9, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-385-SPHA (Item 383)
5727 Pulaski Highway
SE/S Pulaski Highway, 1,640' NE of c/l Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s). Ataollah Golpira and Yekta Golpira
Contract Purchaser/Lessee: Russell M. Schaeffer

Special Hearing to approve a modification to the existing and previously approved site plan for a non-conforming use for a tavern, apartment, and parking lot.
Variance to allow for a reduction in the number of parking spaces from the required 88 spaces to the provided 23 spaces and to allow for an increase in the floor area for a non-conforming use of 149% in lieu of the allowed 25%.

HEARING: THURSDAY, MAY 9, 1996 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Ataollah and Yekta Golpira
Russell M. Schaeffer

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 2, 1996

Ataollah and Yekta Golpira
6301 Cameo Court
North Bethesda, MD 20852

RE: Item No.: 383
Case No.: 96-385-SPHA
Petitioner: Ataollah Golpira, et ux

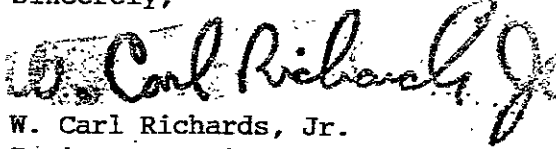
Dear Mr. and Mrs. Golpira:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: April 22, 1996

FROM: *Pub* Robert W. Bowling, Chief
 Development Plans Review Division
 Department of Permits & Development
 Management

SUBJECT: Zoning Advisory Committee Meeting
 for April 22, 1996
 Item No. 383

The Development Plans Review Division has reviewed the subject zoning item. This site is subject to the Development Regulations of Baltimore County updated February 1992. Pulaski Highway, Rte. 40, is a State Road and is subject to the State Highway Administration regulations. See the State for their comments.

The perpendicular parking spaces should be converted to "angled" spaces to ensure one-way traffic pattern.

A Schematic Landscape Plan should be submitted and approved by this office as a condition of considering any variances.

RWB:HJO:jrb

cc: File

ZONE7D

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: April 22, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 383, 396 and 397

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey M. Long

Division Chief:

Gary L. Kerns

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4-17-96

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4-15-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

376

378

379

380

381

382

383

385

388

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ATAOLLA GOLPIRA & YEKTA GOLPIRA

Location: SE/S PULASKI HWY., 1640' NE OF CENTERLINE OF MIDDLE RIVER RD.
(9727 PULASKI HWY. - GOLPIRA PROPERTY)

Item No.: 383

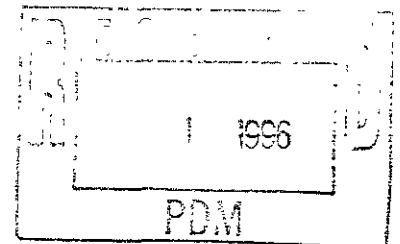
Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

May 10, 1996

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE; Baltimore County
US 40 (south side)
Golpira Property
9727 Pulaski Highway
Special Hearing and
Variance request
Item #383 (MJK)
Mile Post 19.82

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

A review of the State Highway Administration's (SHA) current and long range planning documents reveals that US 40 is not identified for future roadway improvements in this area.

A field inspection of the property reveals the existing curb and gutter and paving, both within the existing entrances and shoulder areas along the property frontage on US 40 are in a deteriorated condition.

We have no objection to approval of the special hearing and variance request, subject to the following:

- Mill the existing paving within the existing entrances onto US 40 and within the existing shoulder areas along the property frontage from property corner to property corner, and overlay these areas using 1 1/2" of SHA approved hot mix asphalt surface course, SF.
- Replace the existing curb and gutter along the property frontage and within the existing entrances onto US 40 using SHA Type "A" curb and gutter.

My telephone number is 410-545-5600 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

Ms. Joyce Watson
Page Two
May 10, 1996

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office with the following submittals required:

- a. Nine (9) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (**include Federal ID number or social security number on certified checks only**) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland (**Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection**).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Should you have any questions, or require additional information, please contact Bob Small at 410-545-5581. Thank you for the opportunity to review this plan.

Very truly yours,



Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Randy Brown w/att.

MICROFILMED

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE *
9727 Pulaski Highway, SE/S Pulaski Hwy., * ZONING COMMISSIONER
1,640' NE of c/l Middle River Road *
15th Election District, 5th Councilmanic * OF BALTIMORE COUNTY

Legal Owners: Ataollah and Yekta Golpira * CASE NO. 96-385-SPHA
Contract Purchaser/Lessee: Russell M. Schaeffer *
Petitioners *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Ataollah and Yekta Golpira, 6301 Cameo Court, North Bethesda, MA 20852 and Russell M. Schaeffer, 428 Haslett Road, Joppa, MD 21085, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

W. DUVALL & ASSOCIATES, INC.
Engineers • Surveyors • Land Planners

530 East Joppa Road
Towson, Maryland 21286

Telephone: (410) 583-9571
Fax: (410) 583-1513

November 19, 2004

Baltimore County Department Of
Permits and Development Management
Room 111
111 W. Chesapeake Avenue
Towson, MD. 21204

Re: 9727 Pulaski Highway
No. 96-385-SPHA

ATTN: Mr. Timothy Kotroco

Dear Mr. Kotroco;

This writing is to inform you of changes in the proposed construction as shown on the Plat To Accompany Zoning Petition, dated 3/26/96. (96-385-SPHA)

The proposed addition was not constructed as shown on the plan. In the front an addition was constructed as shown in red.

I trust this change will meet with your approval. If there are any questions, please contact me.

Very Truly Yours
W. Duvall & Associates, Inc.



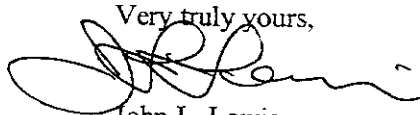
Wilbur L. Duvall, Jr. PE
President

December 16, 2004

Mr. Duvall:
Re: 15th Election District

This quick response is being given to save time in answering your zoning review request. The red-lined, plan, petitioners exhibit #3, is approved as being in spirit and intent. Please put this letter in all future building permit plan text.

Very truly yours,



John L. Lewis
Planner II
Zoning Review

c: 96-385-SPHA

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



SSR
RED LINE PLAN
TAVICK
RESPONSE
12/16/04

530 East Joppa Road
Towson, Maryland 21286

Telephone: (410) 583-9571
Fax: (410) 583-1513

November 19, 2004

Baltimore County Department Of
Permits and Development Management
Room 111
111 W. Chesapeake Avenue
Towson, MD. 21204

Re: 9727 Pulaski Highway
No. 96-385-SPHA

ATTN: Mr. Timothy Kotroco

Dear Mr. Kotroco;

This writing is to inform you of changes in the proposed construction as shown on the Plat To
Accompany Zoning Petition, dated 3/26/96. (96-385-SPHA)

The proposed addition was not constructed as shown on the plan. In the front an addition was
constructed as shown in red.

I trust this change will meet with your approval. If there are any questions, please contact me.

Very Truly Yours
W. Duvall & Associates, Inc.

Wilbur L. Duvall, Jr. PE
President

Please fax
cc of decision
to

878-0104 } FAX

Law Office

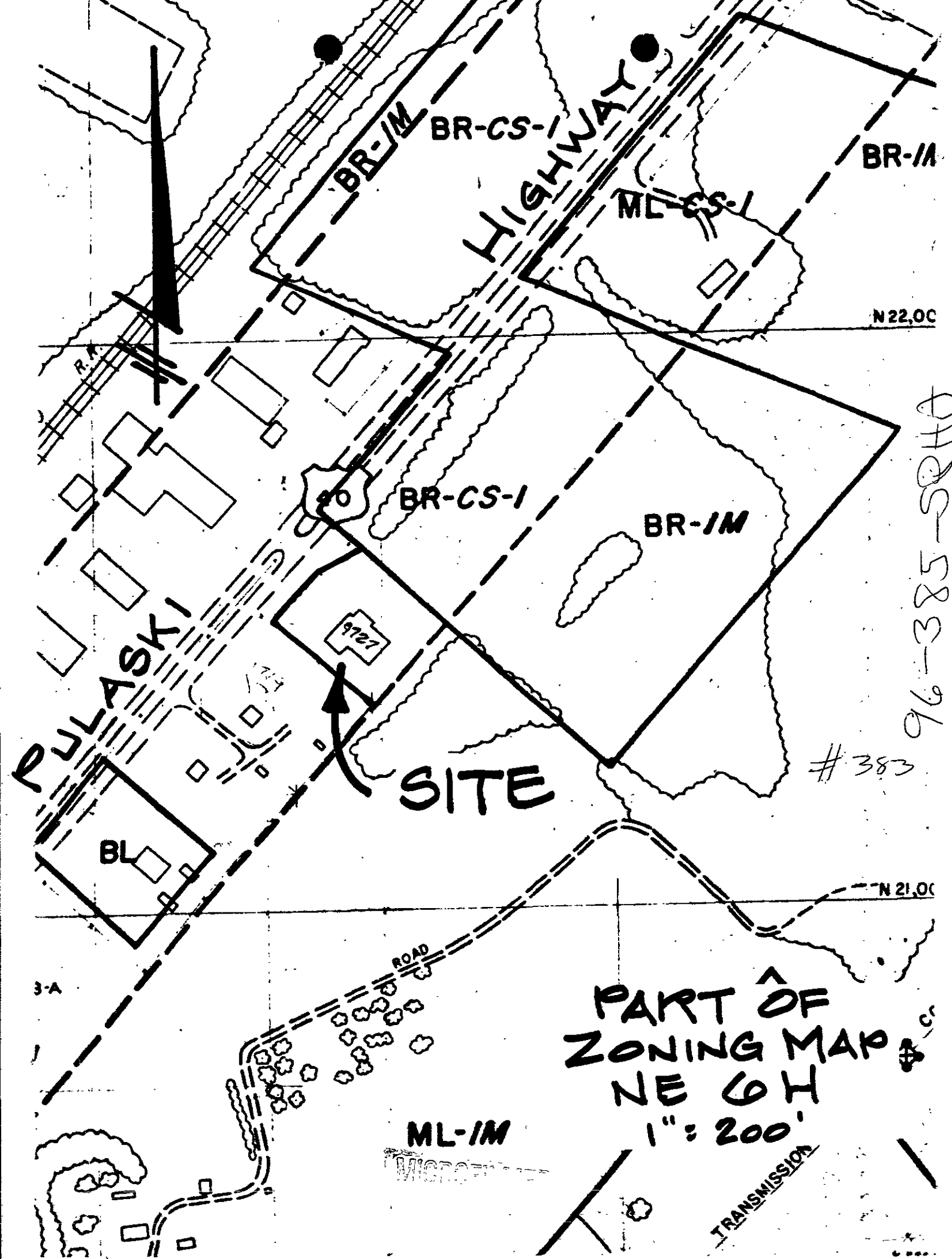
Blumens + Holmen,

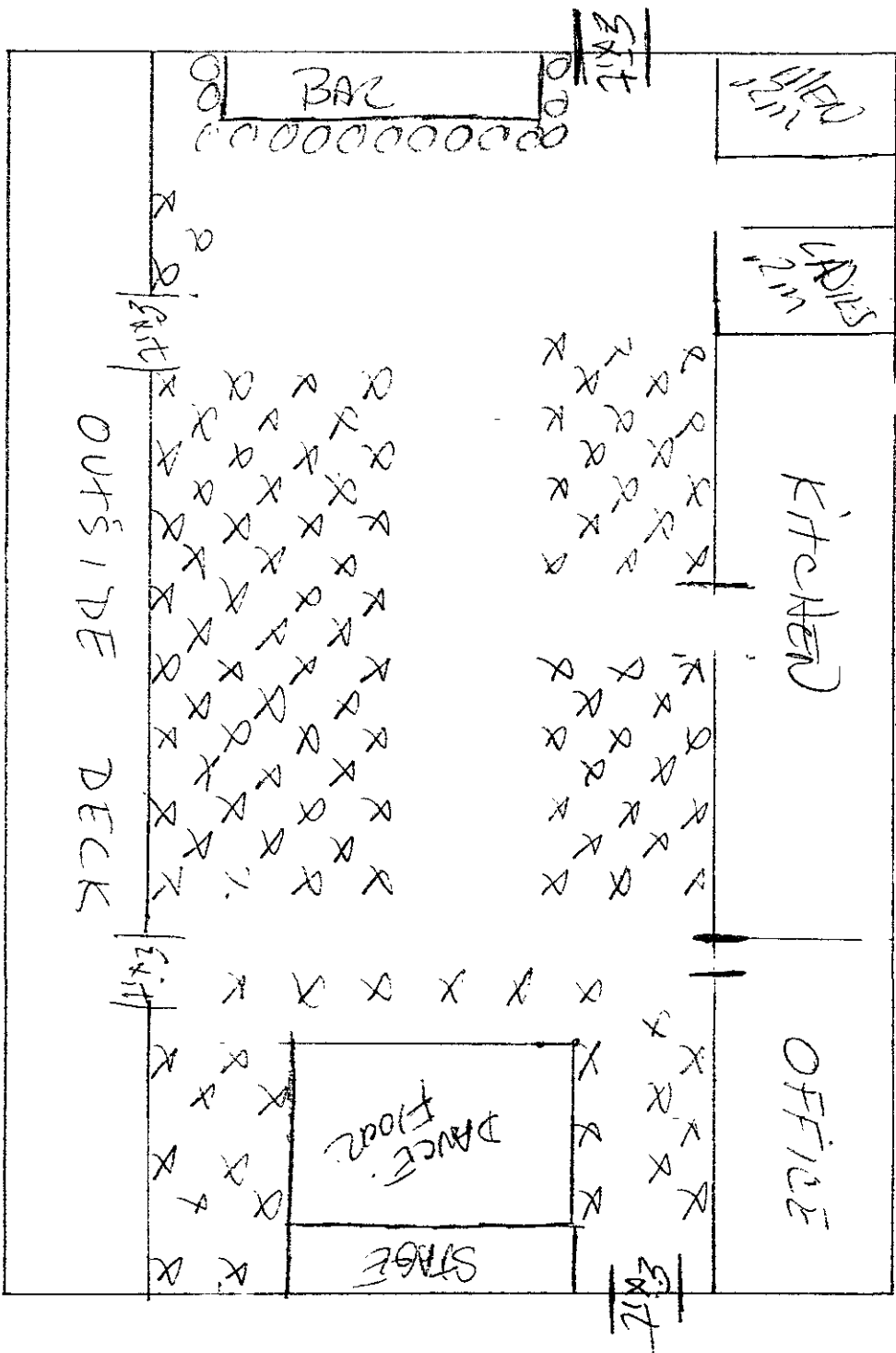
att: Nora

893-1800 } phone

MICROFILMED

Case 96-385-SPNA





BLUE ALASKAN TUG
9227 POLASKI TUG

Second Floor

Front

MICROFILMED

27 pm-119-SPT PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 901.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____

A non-conflicting Tavern and parking lot located in a R-C-1 zone

Property is to be posted and advertised as provided by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Atanilla Golpire ATANILLA GOLPIRE

(Type or Print Name)

Signature

Maryann Golpire Maryann Golpires

(Type or Print Name)

Signature

104 Gypsy Lane West 823-3119

Address Phone No.

Towson, Maryland 21204

City and State

Name, address and phone number of legal owner, or of tract purchaser or representative to be contacted

Walter T. Farr / Spotts, Stevens & McCoy 421,510

Name

618 Fairmount Avenue

Address

494-0500

Phone No.

MAP	ME 6H
4B	
S. D.	15
DATE	4-20-87
300	
1000	

421,510
E 46,790
PRIOR
75-26571
684?

ORDERED By The Zoning Commissioner of Baltimore County, this ____ 1st ____ day of ____ August ____, 19__ 86, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 204, County Office Building in Towson, Baltimore County, on the ____ 22nd ____ day of ____ September ____, 19__ 86, at 10:45 o'clock

(Signature)
Zoning Commissioner of Baltimore County

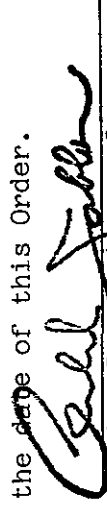
MICROFILMED

MICROFILMED

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that to approve a nonconforming use for a tavern and parking lot in an M.L.-C.S-1 Zone would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community; and therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of September, 1986, that the nonconforming use for a tavern and parking lot in an M.L.-C.S-1 Zone be approved and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

MICROFILMED


Zoning Commissioner of
Baltimore County

AJ/srl

cc: Charles E. Brooks, Esquire
People's Counsel

Per Ex #2

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DATE: 3 Apr 46

ORA: JP

HISTORIC DISTRICT/BLDG.

PERMIT #: B
RECEIPT #: A
CONTROL #: C
REF #:

PROPERTY ADDRESS 9227 Pulaski Hwy
BALTO. MD 21222
SUBDIV: 1.639' NE Middle River Rv.
TAX ACCOUNT #: 15-16-600490 DISTRICT/PRECINCT
OWNER'S INFORMATION (LAST, FIRST) 15 04
NAME: ~~Russell M. Schaeffer~~ Schaeffer, Russell M.
ADDR: 428 Haslett Rd. Joppa, Md. 21085

FEE: 280 + 12 + 5 =
PAID: 297.00
PAID BY: Appl
INSPECTOR: JP

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

BUILDING 1 or 2 FAM.

APPLICANT INFORMATION

NAME: Russell M. Schaeffer
COMPANY: BLUE LAGOON INC.
STREET: 9227 Pulaski Hwy.
CITY, ST, ZIP: BALTO MD 21222
PHONE #: 410 6792759 MHIC LICENSE #:
APPLICANT SIGNATURE: [Signature] TRACT: BLOCK:
PLANS: CONST PLAT DATA EL 1 PL 1
TENANT: BLUE LAGOON INC.
CONTR: OWNER
ENGR: OWNER
SELLR: GULDIRA, ATAOLLAH ; YEKTA FAZELI
6301 Canzo Ct. 20852-5548

DOES THIS BLDG.
HAVE SPRINKLERS
YES NO ☒

CODE CODE
93 BOCA CODE

TYPE OF IMPROVEMENT

1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE FOUNDATION

1. SLAB
2. BLOCK
3. CONCRETE

BASEMENT

1. FULL
2. PARTIAL
3. NONE

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY SE SIDE
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
20. SWIMMING POOL
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS 3. ELECTRICITY
2. OIL 4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM EXISTS PROPOSED
SEPTIC EXISTS PROPOSED
PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2.
ESTIMATED COST: \$10,000
OF MATERIALS AND LABOR

PROPOSED USE: Restaurant / Tavern ; Int. Act.
EXISTING USE: Restaurant / Tavern

OWNERSHIP

1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE

1 FAMILY BEDROOMS

GARBAGE DISPOSAL 1. Y 2. N BATHROOMS CLASS 23
POWDER ROOMS KITCHENS LIBER FOLIO 7-17

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 3500 SIZE 13926'x
WIDTH 37.634'
DEPTH 18426'
HEIGHT 11/2
STORIES 11/2
LOT #'S 11/2
CORNER LOT 11/2
1. Y 2. N ZONING

APPROVAL SIGNATURES

DATE

BLD INSP :
BLD PLAN :
FIRE :
SEDI CTL :
ZONING :
PUB SERV :
ENVRMT :
PERMITS :

MICROFILMED

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

Strategic Mapping, Inc.

GR Patnode Co
Area = Rte 40/Mohrs Lane, Baltimore County, MD
Benchmark = Regional Area Definition

Market Potential 02/28/96
FULL SERVICE RESTAURANT(1)
Detailed Report

FULL SERVICE RESTAURANT EXPENDITURE INDEX: 100.3

-----Demographics-----					
	Total Population	Total Households	Household Population	Average HH Size	Median HH Income
1995	59822	23215	59492	2.56	\$38897
2000	62860	24435	62530	2.56	\$43795

-----Expenditure Potential-----					
	This Store Type	All Other Stores	Total Market Potential	Yearly Growth Area	Rate Benchmark
1995					
Per Household	\$ 884	\$ 1527	\$ 2410	-2.86%	-2.72%
Total (\$000)	\$ 20512	\$ 35444	\$ 55956	-1.86%	-1.80%

-----Retail Support Potential (000)-----					
1995	101 sq. ft.				

Product Potential This Store Type	1995 Total (\$000)	2000 Total (\$000)	1995 \$ Per HH	2000 \$ Per HH	Yearly Growth Rate Total \$	Bench- mark Index
ALCOHOLIC BEVERAGES	2596	2262	112	93	-2.72%	102.8
BREAKFAST	755	820	33	34	1.68%	97.9
DINNER	5810	5624	250	230	-0.65%	101.4
LUNCH	4110	3402	177	139	-3.71%	99.3
SNACKS/NON-ALCOH. BEV.	2094	1879	90	77	-2.14%	97.1
ALL OTHER ITEMS	5147	4686	222	192		
MARKET POTENTIAL	20512	18672	884	764		

Ref Ex 5

Expenditure Index - Shows the amount by which area per household expenditures differed from that of the benchmark. Values below 100 signify that this area is below the benchmark per household expenditures.

Retail Support Potential - Provides the number of square footage which this area should be capable of supporting.

Area : Circle: 3 mile(s): 39.3607 76.4462

Benchmark : Definition By Region

Copyright 1995, Strategic Mapping, Inc. All rights reserved. (800) 328 - 6667

MICROFILMED

Petitioner's
Exhibits
4A-4H

photographs
in

Case 96-385-
SPNA

MICROFILMED



Pct Ex #4A



4B



4C



4D



4E



4F



46



4H

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - SE/8 Pulaski Highway, 1640' NE of the c/l of Middle River Road (9727 Pulaski Highway) 15th Election District 5th Councilmanic District

* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. 96-385-SPHA

Ataollah Golpira, et al Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 9727 Pulaski Highway, located in the vicinity of Mohr Lane and the Price Club facility in White Marsh. The Petitions were filed by the owners of the property, Ataollah and Yekta Golpira, and the Contract Purchaser/Lessee, Russell M. Schaeffer. The Petitioners seek approval of a modification to the previously approved site plan in prior Case No. 87-119-SPH and variance relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a reduction in the number of parking spaces from the required 88 to the provided 23 spaces, and from Section 104.3 of the B.C.Z.R. to permit an increase in the total floor area for a nonconforming use of 149% in lieu of the permitted 25% for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petitions were Russell Schaeffer, Contract Purchaser, Joseph Larson, Professional Engineer who prepared the site plan for this project, and Vernon Boozer, Esquire, attorney for the Petitioners. There were no Protestants present.

ORDER RECEIVED FOR FILING
Date 5/13/96
By [Signature]

Testimony and evidence offered revealed that the subject property consists of 0.91 acres, more or less, zoned M.L.-A.S. and is improved with a two-story combination tavern/restaurant and apartment which has existed on the property for many years. The property was the subject of prior Case No. 87-119-SPH in which the Petitioners were granted a nonconforming use of the existing parking lot and tavern. The property was formerly known as the Blue Gables Restaurant, and most recently, Opitz Crab House. Testimony revealed that Opitz Crab House was unsuccessful financially and ended up in bankruptcy. The Petitioners have entered into a contract to sell the property to Mr. Russell Schaeffer, who wishes to make extensive improvements to the site. Mr. Schaeffer proposes a large L-shaped addition to the first floor to square off the existing building and add a packaged goods store. The second floor will be expanded to encompass the entire building and will include a banquet room, dining room, offices and the existing apartment which Mr. Schaeffer wishes to continue to utilize. The Petitioner submitted as Petitioner's Exhibit 3 a site plan of this property depicting existing and proposed improvements. Furthermore, he submitted floor plans for the first and second floors of the existing building. Further testimony revealed that as a result of the proposed expansion of existing uses on the site, an increased number of parking spaces will be required, and the overall floor area of the nonconforming use will be significantly increased.

There being no adverse comments by any Baltimore County reviewing agency, nor any opposition expressed by any adjoining property owner, it appears that the relief requested should be granted. Photographs of the site show that the property has deteriorated and is in dire need of renovation and clean-up. Obviously, the improvements proposed by Mr. Schaeffer

ORDER RECEIVED FOR FILING
Date 5/13/96
By [Signature]

- 2 -

will be beneficial to this site as well as other businesses located along the Pulaski Highway corridor, and will offer a much needed service to the citizens who reside in the area. Furthermore, I find that there has been no abandonment of the nonconforming use previously established for this site as a restaurant, tavern and apartment.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and

ORDER RECEIVED FOR FILING
Date 5/13/96
By [Signature]

- 3 -

that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1996 that the Petition for Special Hearing seeking approval of a modification to the previously approved site plan in prior Case No. 87-119-SPH to reflect the proposed improvements as set forth on Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a reduction in the number of parking spaces from the required 88 to the 23 spaces provided, and from Section 104.3 of the B.C.Z.R. to permit an increase in the total floor area for a nonconforming use of 149% in lieu of the maximum permitted 25% for proposed additions, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and

ORDER RECEIVED FOR FILING
Date 5/13/96
By [Signature]

- 4 -

approval by the Landscape Architect for Baltimore County.

- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the previously approved nonconforming use in prior Case No. 87-119-SPH is hereby extended and revalidated in that I find that there has been no interruption in the use of the property as a tavern, restaurant and apartment.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/13/96
By [Signature]

- 5 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/8 Pulaski Highway, 1640' NE of the c/l of Middle River Road
(9727 Pulaski Highway)
15th Election District - 5th Councilmanic District
Ataollah Golpira, et al - Petitioners
Case No. 96-385-SPHA

Dear Mr. Boozer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Ataollah Golpira
6301 Cameo Court, North Bethesda, Md. 20852

Mr. Russell M. Schaeffer
428 Haslett Road, Joppa, Md. 21085

People's Counsel

File

Printed with Softproof Ink
on Recycled Paper



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 9727 Pulaski Hwy.

96-385-SPHA

which is presently zoned ML-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property, situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A MODIFICATION TO THE EXISTING & PREVIOUSLY APPROVED SITE PLAN FOR A NON-CONFORMING USE FOR A TAVERN, APARTMENT AND PARKING LOT IN A ML-AS ZONE OF ZONING CASE 87-119-SPH

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Owner

Russell M. Schaeffer

Signature

428 Haslett Road

Joppa MD. 21085

City State Zipcode

Attorney for Petitioner

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

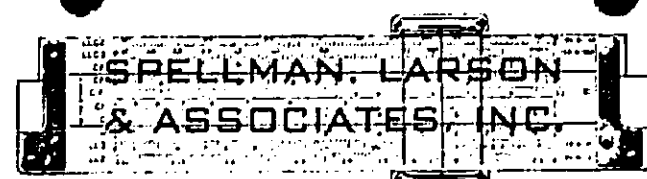
Signature

428 Haslett Rd. Joppa MD. 21085

City State Zipcode

Signature

428 Haslett Rd. Joppa MD. 21085



SUITE 109 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

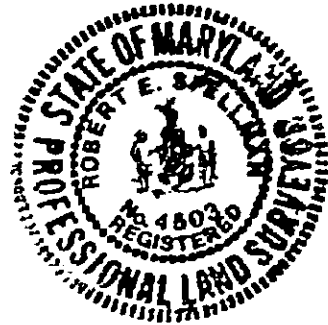
DESCRIPTION FOR ZONING

9727 PULASKI HIGHWAY, 15TH DISTRICT, BALTIMORE COUNTY,
MARYLAND

Beginning for the same at a point on the southeast side of Pulaski Highway (US Route No. 40), 150 feet wide, at the distance of 1,640 feet, more or less, measured northeasterly along the southeast side of Pulaski Highway from the northeast side of Middle River Road and running thence and binding on the southeast side of Pulaski Highway north 49 Degrees east 116.27 feet thence leaving Pulaski Highway and running north 65 Degrees 43 Minutes east 73.01 feet to the dividing line between that land zoned ML-CS-1 and that land zoned BR-CS-1 and running thence and binding on said zoning line south 39 Degrees 33 Minutes east 196.54 feet to the dividing line between that land zoned ML-CS-1 and that land zoned ML-IN and running thence and binding on said Zoning line south 49 Degrees west 181.20 feet thence leaving said zoning line and running north 41 degrees west 217.50 feet to the place of beginning.

Containing 0.91 acres of land, more or less.

03/21/96



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

96-385-SPHA

District: 15th Date of Posting: 4/2/96
Posted for: May 9, 1996 hearing
Petitioner: Golpira / Russell M. Schaeffer
Location of property: 9727 Pulaski Hwy
Location of Sign: Flying on Hwy on property being zoned
Remarks:
Posted by: [Signature] Date of return: 4/26/96
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
016978
DATE: 4/3/96 ACCOUNT: 01-615
Item 383
BY: [Signature]
AMOUNT: \$570.00
RECEIVED: Schaeffer, Russell - 9727 Pulaski Hwy
FROM: 020 - [Signature] - \$250.00
040 - [Signature] - \$250.00
FOR: 250 - [Signature] - \$70.00
03A180374RICHRC \$570.00
SA 0001-27804-01-00
VALIDATION ON SIGNATURE OF CASHIER
PRINTED WITH TOWSON INK ON RECYCLED PAPER

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/18, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/18, 1996.

THE JEFFERSONIAN,

G. Henricson
LAW AD. TOWSON

NOTICE OF HEARING - 54
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
CASE NUMBER: 96-385-SPHA (Item 383)
9727 Pulaski Highway
9727 Pulaski Highway, 1,640' NE of c/o Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Atallah Golpira and Yekta Golpira
Contract Purchaser/Lessee: Russell M. Schaeffer
Special Hearing to approve a modification to the existing and previously approved site plan for a non-conforming use for a tavern, apartment, and parking lot.
Variance to allow for a reduction in the number of parking spaces from the required 88 spaces to the provided 23 spaces and to allow for an increase in the floor area for a non-conforming use of 149% in lieu of the allowed 23%.
HEARING: THURSDAY, MAY 9, 1996 at 9:00 a.m. in Room 106, County Office Building.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

TO: FUTURE PUBLISHING COMPANY
April 18, 1996 Issue - Jeffersonian
Please forward billing to:
Russell M. Schaeffer
428 Harlett Road
Joppa, MD 21085
679-2759

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-385-SPHA (Item 383)
9727 Pulaski Highway
9727 Pulaski Highway, 1,640' NE of c/o Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Atallah Golpira and Yekta Golpira
Contract Purchaser/Lessee: Russell M. Schaeffer

Special Hearing to approve a modification to the existing and previously approved site plan for a non-conforming use for a tavern, apartment, and parking lot.
Variance to allow for a reduction in the number of parking spaces from the required 88 spaces to the provided 23 spaces and to allow for an increase in the floor area for a non-conforming use of 149% in lieu of the allowed 23%.

HEARING: THURSDAY, MAY 9, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 11, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 96-385-SPHA (Item 383)
9727 Pulaski Highway
9727 Pulaski Highway, 1,640' NE of c/o Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Atallah Golpira and Yekta Golpira
Contract Purchaser/Lessee: Russell M. Schaeffer

Special Hearing to approve a modification to the existing and previously approved site plan for a non-conforming use for a tavern, apartment, and parking lot.
Variance to allow for a reduction in the number of parking spaces from the required 88 spaces to the provided 23 spaces and to allow for an increase in the floor area for a non-conforming use of 149% in lieu of the allowed 23%.

HEARING: THURSDAY, MAY 9, 1996 at 9:00 a.m. in Room 106, County Office Building.

[Signature]
Arnold Jablon
Director

cc: Atallah and Yekta Golpira
Russell M. Schaeffer

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 2, 1996

Atallah and Yekta Golpira
6301 Cameo Court
North Bethesda, MD 20852

RE: Item No.: 383
Case No.: 96-385-SPHA
Petitioner: Atallah Golpira, et ux

Dear Mr. and Mrs. Golpira:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 22, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the permitting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

[Signature]
M. Carl Richards, Jr.
Zoning Supervisor

MCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Date: April 22, 1996
Department of Permits & Development Management

FROM: Robert M. Bowling, Chief
Development Plans Review Division
Department of Permits & Development Management

SUBJECT: Zoning Advisory Committee Meeting
for April 22, 1996
Item No. 383

The Development Plans Review Division has reviewed the subject zoning item. This site is subject to the Development Regulations of Baltimore County updated February 1992. Pulaski Highway, Rte. 40, is a State Road and is subject to the State Highway Administration regulations. See the State for their comments.

The perpendicular parking spaces should be converted to "angled" spaces to ensure one-way traffic pattern.

A Schematic Landscape Plan should be submitted and approved by this office as a condition of considering any variances.

RWB:HJO:jrb

cc: File

ZONED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: April 22, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 383, 396 and 397
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Barry L. Veen*
PK/JL

ITEM383/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4-17-96

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4-15-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:
376
378
379
380
381
382
383
385
388

LS:sp
LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 04/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ATAOLLA GOLPIRA & YEKTA GOLPIRA

Location: SE/S PULASKI HWY., 1640' NE OF CENTERLINE OF MIDDLE RIVER RD.
(9727 PULASKI HWY. - GOLPIRA PROPERTY)

Item No.: 383 Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-6881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

May 10, 1996

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Baltimore County
US 40 (south side)
Golpira Property
9727 Pulaski Highway
Special Hearing and
Variance Request
Item #383 (MJK)
Mile Post 19.82

Dear Ms. Watson:

This letter is in response to your request for our review of the plan for the referenced item.

A review of the State Highway Administration's (SHA) current and long range planning documents reveals that US 40 is not identified for future roadway improvements in this area.

A field inspection of the property reveals the existing curb and gutter and paving, both within the existing entrances and shoulder areas along the property frontage on US 40 are in a deteriorated condition.

We have no objection to approval of the special hearing and variance request, subject to the following:

- Mill the existing paving within the existing entrances onto US 40 and within the existing shoulder areas along the property frontage from property corner to property corner, and overlay these areas using 1 1/2" of SHA approved hot mix asphalt surface course, SF.
- Replace the existing curb and gutter along the property frontage and within the existing entrances onto US 40 using SHA Type "A" curb and gutter.

My telephone number is 410-545-5600 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

TRANSMISSION EXPIRATION REPORT

TIME: 05:15 PM 05/10/96
NAME: DONNA TOWN OFFICE
FAX: 410-887-1488
TEL: 410-887-1488

DATE/TIME: 05/10/96
FAX NO./NAME: 410-887-1488
EXPIRATION: 05/10/96
PAGE: 1
RESULT: OK
NOTE: 17-00-01

Ms. Joyce Watson
Page Two
May 10, 1996

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office with the following submittals required:

- Nine (9) copies of the site plan showing the SHA requirements.
- Completed application.
- Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Should you have any questions, or require additional information, please contact Bob Small at 410-545-5581. Thank you for the opportunity to review this plan.

Very truly yours,
Ronald Burns
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

cc: Mr. Randy Brown w/att.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
9727 Pulaski Highway, SE/S Pulaski Hwy., *
1,640' NE of c/l Middle River Road * OF BALTIMORE COUNTY
15th Election District, 5th Councilmanic *
Legal Owners: Ataollah and Yekta Golpira * CASE NO. 96-385-SPHA
Contract Purchaser/Lessee: Russell M. Schaeffer *
Petitioners *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Ataollah and Yekta Golpira, 6301 Camo Court, North Bethesda, MA 20852 and Russell M. Schaeffer, 428 Haslett Road, Joppe, MD 21085, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Please fax
all decision
to
878-9104 FAX
law office
Blumens & Holmen
att: Nora
878-1800 phone
Case 96-385-SPHA

